
1) Amesbury Planning Board Meeting Minutes

2) September 13, 2021, at 7:00 PM**3) Virtual Meeting – 7:00 PM**

- 4) Chairman Pascal Rettig called the August 9, 2021, Planning Board meeting to order at 7:00 PM. He read: *Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the June 16, 2021, extensions of those Provisions until April 2022, this Meeting of the Planning Board on August 9, 2021, is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order.*
- 5) *A reminder that persons who would like to like to watch this meeting can do so on ACTV Channel 12, the ACTV website, or their Facebook Page:*
www.facebook.com/AmesburyCommunityTelevision
- 6) *To submit a public comment, you can email nipun@amesburyma.gov with written comments. If you would like to dial-in to and speak, please email nipun@amesburyma.gov. You can do this from now until the public comment portion of the specific public hearing ends. There will be a public comment portion of each public hearing discussed tonight.*
- 7) *Chairman notes that tonight's Planning Board meeting is being recorded by Amesbury Public Access Television. This legal step has been taken but does not act as the official record. The written meeting minutes by the Recording Secretary is the official record.*
- 8) **1. Roll Call**
- 9) *Chair Pascal Rettig took the vote by roll call.*
- | | |
|----------------------|---------|
| 10) Karen Solstad | PRESENT |
| 11) Keith Ratner | PRESENT |
| 12) Lars Johannessen | PRESENT |
| 13) Robert Laplante | PRESENT |
| 14) Scott Kelley | PRESENT |
| 15) David Frick | ABSENT |
| 16) Pascal Rettig | PRESENT |
- 17) **Attendance:** Lars Johannessen, Scott Kelley, Robert Laplante, Keith Ratner, Pascal Rettig, and Karen Solstad
- 18) **Absent:** David Frick

- 19) **Also:** Director of the Office of Community and Economic Development, Angela Cleveland, and note taker Linda Guthrie

20) 2. Minutes

- 21) A motion to approve the minutes of 7/26/21 is made by Robert LaPlante and seconded by Lars Johannessen.**

22) *Chair Pascal Rettig took the vote by roll call.*

23) Karen Solstad	YES
24) Keith Ratner	YES
25) Lars Johannessen	YES
26) Robert Laplante	YES
27) Scott Kelley	YES
28) David Frick	ABSENT
29) Pascal Rettig	YES

- 30) All members present vote in favor. Motion Approved.**

- 31) A motion to approve the minutes of 8/9/21 as amended is made by Robert LaPlante and seconded by Lars Johannessen.**

32) *Chair Pascal Rettig took the vote by roll call.*

33) Karen Solstad	YES
34) Keith Ratner	YES
35) Lars Johannessen	YES
36) Robert Laplante	YES
37) Scott Kelley	YES
38) David Frick	ABSENT
39) Pascal Rettig	YES

- 40) All members present vote in favor. Motion Approved.**

41) 4. Continued Public Hearings

- 42) 9, 14, & 15 Estes Street
Definitive Subdivision (PH: 03-08-2021)**

- 43) Pascal Rettig said the applicant seeks to withdraw the application.

44) Karen Solstad said the Board has done an outstanding job working with the applicant. Is there a specific issue?

45) Angela Cleveland said the property owner expressed concern about more peer reviews and some of the back and forth communication.

46) A motion to accept withdrawal without prejudice the Definitive Subdivision for 9, 14, & 15 Estes Street (PH: 03-08-2021) is made by Scott Kelley and seconded by Lars Johannessen.

47) Keith Ratner said the project had the potential to improve a messy situation. He encouraged the City to work with the developer.

48) Lars Johannessen said he's sorry to see a good project be withdrawn. He thought it was a win-win for the City and the developer.

49) Pascal Rettig said it raised a number of issues about the legal limbo that street is under and there will be no resolution on that for the residents.

50) Chair Pascal Rettig took the vote by roll call.

51) Karen Solstad	YES
52) Keith Ratner	YES
53) Lars Johannessen	YES
54) Robert Laplante	YES
55) Scott Kelley	YES
56) David Frick	ABSENT
57) Pascal Rettig	YES

58) All members present vote in favor. Motion Approved.

59) A motion to close the public hearing on the Definitive Subdivision for 9, 14, & 15 Estes Street (PH: 03-08-2021) is made by Lars Johannessen and seconded by Scott Kelley/

60) Chair Pascal Rettig took the vote by roll call.

61) Karen Solstad	YES
62) Keith Ratner	YES
63) Lars Johannessen	YES
64) Robert Laplante	YES
65) Scott Kelley	YES
66) David Frick	ABSENT
67) Pascal Rettig	YES

68) All members present vote in favor. Motion Approved.

69) 75, 79, & 87 Haverhill Road

Major Modification – Site Plan and Special Permit (PH: 05-24-2021)

70) Pascal Rettig said the applicant requested to continue to 9/27/21 to address drainage comments.

71) A motion to continue the Major Modification – Site Plan and Special Permit for 75, 79, & 87 Haverhill Road (PH:05-24-2021) to the September 27 meeting is made by Lars Johannessen and seconded by Keith Ratner.

72) Chair Pascal Rettig took the vote by roll call.

73) Karen Solstad	YES
74) Keith Ratner	YES
75) Lars Johannessen	YES
76) Robert Laplante	YES
77) Scott Kelley	YES
78) David Frick	ABSENT
79) Pascal Rettig	YES

80) All members present vote in favor. Motion Approved.

81) 3. Administrative

82) 99 Pleasant Valley Road – Request for Certificate of Improvement/Occupancy Release

83) Pascal Rettig said the builds needed for the approval are not available yet. Deferred to the next meeting.

84) 110 Kimball Road – Request for Erosion Control Bond Release

85) Pascal Rettig said the project is complete.

86) Angela Cleveland said the final amount includes \$3,125.00 for erosion control and \$26.11 for peer review totaling \$3,151.11. The completion date was 8/20/2019. She displayed the as built but did not know when the landscaping was installed and would find out.

87) Karen Solstad asked about the usual process of holding back money for one growing season for the required vegetation.

88) Lars Johannessen asked if other bonds were being held.

- 89) Pascal Rettig said that would normally be with the performance bond.
- 90) Angela Cleveland presented the only accounting available with the original Stantec peer review fees and the erosion control bond.
- 91) Karen Solstad asked if it was a sensitive area? She would like to see the vegetation. Protected areas are denoted on plans. Someone should at least look at what's on site since the project is in the Water Resource Protection District.
- 92) Angela Cleveland asked if the Board would be more comfortable voting contingent on a site visit to confirm the landscaping?
- 93) Pascal Rettig confirmed it was a single house in the WRPD.
- 94) Lars Johannessen said the landscaping has to be in place for 1 year and then checked to ensure plantings have survived. He doesn't recall if the applicant added plantings, or it is it all previously existing and they just added the driveway and the infiltration area with granite edging.
- 95) Keith Ratner thought this was the as built where they added on, from 2 months ago.
- 96) Angela Cleveland said the project was approved in 2017. The as built do not show plantings.
- 97) Karen Solstad wanted to see the vegetation. There's a bio-retention area and an existing natural buffer to be protected. Areas denoted for protection are a sore point when they have been chopped down. The as built doesn't show it and this is the WRPD.
- 98) Lars Johannessen said what they proposed and what's on the as built does not show detention ponds, swales, or anything. The Board cannot approve it.
- 99) Pascal Rettig said the project was approved 3 years ago. We need additional details on the plan before releasing the bond, the date landscaping was planted, and whether it survived after a year.
- 100) Angela Cleveland would check with Stantec.
- 101) 13 Horton Street – Abutter Letter**
- 102) Pascal Rettig said none of the stormwater has not yet been installed. The construction season is starting to wind down. What action can the Board take?

- 103) Karen Solstad said this is a sensitive area and neighbors expressed concerns about the drainage because everything comes down the hill. Somebody has to confront a problem head-on on this. The Board does not have the authority to issue a cease & desist. The neighbors are getting flooded and someone in town should issue the order.
- 104) Pascal Rettig read the last letter from Stantec to which the applicant has not responded. It doesn't look like any drainage work for the project has been done. We can ask staff to follow-up with Stantec. The drainage components are on site but uninstalled.
- 105) Karen Solstad asked what else had been done on the project. Usually, drainage is up front.
- 106) Scott Kelley said Director Jain was going to refer this to the DPW.
- 107) Pascal Rettig said Director raised it with the City engineer and will notify the inspections office to look into it further.
- 108) Scott Kelley said the Board should send a request through staff to have DPW take a look and ask Stantec to go out and inspect. Those people are going to have a problem soon.
- 109) Keith Ratner agreed.
- 110) A motion to ask staff to make a referral to DPW inspectional services and Stantec to get a status on the project at 13 Horton Street with regard to stormwater, and to make sure something is done to address the neighbors' issues is made by Scott Kelley and seconded by Keith Ratner.**
- 111) Chair Pascal Rettig took the vote by roll call.*
- | | |
|-----------------------|--------|
| 112) Karen Solstad | YES |
| 113) Keith Ratner | YES |
| 114) Lars Johannessen | YES |
| 115) Robert Laplante | YES |
| 116) Scott Kelley | YES |
| 117) David Frick | ABSENT |
| 118) Pascal Rettig | YES |

119) All members present vote in favor. Motion Approved.

- 120) Pascal Rettig asked Ms. Cleveland to follow through on forwarding the request to DPW and Stantec and an update given to the Board.

121) 5 Sparhawk Street – Plan Endorsement

122) Angela Cleveland said Mr. Frick would come in to sign the plans next week.

123) Design Review Committee(DRC) – Applications for Appointment

124) Pascal Rettig said there are 3 empty slots and 3 applicants.

125) Lars Johannessen and Ms. Cleveland said the criteria is 2 registered landscape or regular architects, or equivalent professional training, and one person from the business community. Alternates are from the Historic Commission and a builder or someone with building experience.

126) Pascal Rettig said applicant Rachel Harris is a resident, local business owner, and a registered architect.

127) Lars Johannessen said the time commitment is 2-3 hours twice a month.

128) Pascal Rettig said Ms. Harris offered 2-4 hours every other week. She ticks all the boxes. If she can't find time to meet, she could resign from the position, and we could find someone else.

129) A motion to recommend Rachel Harris for the Design Review Committee (DRC) is made by Robert Laplante seconded by Lars Johannessen.

130) Chair Pascal Rettig took the vote by roll call.

131) Karen Solstad	YES
132) Keith Ratner	YES
133) Lars Johannessen	YES
134) Robert Laplante	YES
135) Scott Kelley	YES
136) David Frick	ABSENT
137) Pascal Rettig	YES

138) All members present vote in favor. Motion Approved.

139) Pascal Rettig said applicant Matt Sherril is a past chair of ZBA, past chair of Chamber BOD, past chair of the Amesbury Carriage Alliance, involved in the local Lions Club, served on many committees, and owns Gould Insurance. He represents the business community.

140) Lars Johannessen said the reason the applicant gave for wanting to be on the DRC isn't a fit. The goal is to get a better project for the town and pre-clear things for the Planning Board. It's a lot of give and take work with applicants. Most of the applicants we've

worked with over the years thought the DRC did an excellent job in making a better project for the City. This applicant wants to shove things through faster.

- 141) Karen Solstad said the DRC and the ZBA don't intersect because they don't work together. The DRC serves an important function. Without them CVS would look like Rt. 1 in Saugus and Bailey's Pond would not have happened. She disagrees with Mr. Sherrill's premise because you have to work hard to get a better development.
- 142) Lars Johannessen spoke of a strong need for a landscape architect because of the lack of knowledge among lay people. It's more critical than someone from the business community. The DRC has no voting power to stop a project. A builder's experience is essential as well.
- 143) Angela Cleveland said the DRC positions have been open since February.
- 144) Scott Kelley said anyone who applies to assist the City has his support. His only issue is this applicant's negative reference to the DRC slowing down the planning and permitting process.
- 145) Robert Laplante agreed with Mr. Kelley. Why would Mr. Sherrill want to be on a Board he didn't like. The Board knows the DRC does a spectacular job.
- 146) Keith Ratner asked who is on the DRC now and why there are so many openings.
- 147) Lars Johannessen he was an alternate on the DRC, which started in the 1990s with an architect, a landscape architect, a builder, an electrician member of the business community, and him as a member of the Historic Commission. Projects rose from a lower level to a higher level by talking out all the ideas. It worked well with most developers. The DRC ceased to exist when Mayor Kezar didn't reappoint anyone. The DRC wasn't started up again by Mayor Gray. Currently there's nobody really working design review issues other than himself and Director Jain.
- 148) Pascal Rettig said has heard from a number of people that the Planning Board is slow and obstructive. The Board tries get projects through as efficiently as possible within the constraints of the system. When people are on the inside of the process, they take a different position. The DRC has no power other than its recommendations, but developers feel they have to listen the DRC now that it's happening from with people officially involved in planning.
- 149) Angela said getting a better project for the City was covered in the interviews with each applicant.
- 150) Karen Solstad does not feel positive about the applicant wanting to shove things through faster. The DRC works diligently with the applicant to get a better project.

- 151) Keith Ratner said it's important to get the DRC going again as soon as possible.
- 152) Lars Johannessen would look for a better person. There is only one applicant with an architecture degree. We need someone who can come in with specific knowledge about what will improve a project. He's fine with the other person who has design skills and prefers to accept her as the business community representative.
- 153) Scott Kelley agreed. It would be a huge disservice to the committee and the citizens to accept someone who is not the right fit. The DRC is a critical component in the approval process.
- 154) Robert Laplante asked if the applicants could be interviewed by the Board. He read from Mr. Sherrill's application, "While I was serving on the ZBA I was often upset with the DRC. In my opinion, they seem to slow down the planning. I always thought they were a committee that reviewed a project to offer suggestions." Mr. Johannessen says is that is the aim of the DRC. He would like to better understand what roadblocks and bad experiences the applicant had with the DRC and how he would personally improve it.
- 155) Karen Solstad would like to invite Mr. Sherrill to come talk to the Board.
- 156) **A motion to invite Matt Sherrill, applicant for the Design Review Committee (DRC), come speak at the next meeting on September 27, 2021, is made by Robert Laplante and seconded by Karen Solstad.**
- 157) *Chair Pascal Rettig took the vote by roll call.*
- | | |
|-----------------------|--------|
| 158) Karen Solstad | YES |
| 159) Keith Ratner | YES |
| 160) Lars Johannessen | YES |
| 161) Robert Laplante | YES |
| 162) Scott Kelley | YES |
| 163) David Frick | ABSENT |
| 164) Pascal Rettig | YES |
- 165) **All members present vote in favor. Motion Approved.**
- 166) Pascal Rettig said the City has been looking as hard as it can for a landscape architect. The next applicant is Janine Whittaker. She is a member of the business community and has 10 years of interior design skills.
- 167) Lars Johannessen all of design review has to do with the exterior, not the interior. It would be nice to interview her as well.

- 168) Pascal Rettig said she fits the criteria, and we haven't had a lot of takers. Mr. Johannessen is leaving at the end of the year. We're not going to get a perfect fit for a volunteer position. He feels Ms. Whittaker would be a great fit as a member of the business community. He doesn't want to drag out the process to have a working committee.
- 169) Karen Solstad said voting for Ms. Whittaker would not stop the search for a landscape architect.
- 170) Lars Johannessen said there are a lot of good landscape designers around. Hopefully, some in town will be willing to serve if asked. Not everyone volunteers. He was asked. Ms. Whittaker could represent the business community.
- 171) A motion to recommend Rachel Harris for the Design Review Committee (DRC) representing the business community is made by Keith and seconded by Lars Johannessen.**
- 172) *Chair Pascal Rettig took the vote by roll call.*
- | | |
|-----------------------|--------|
| 173) Karen Solstad | YES |
| 174) Keith Ratner | YES |
| 175) Lars Johannessen | YES |
| 176) Robert Laplante | YES |
| 177) Scott Kelley | YES |
| 178) David Frick | ABSENT |
| 179) Pascal Rettig | YES |
- 180) All members present vote in favor. Motion Approved.**

181) *Technical Review Committee Reboot*

- 182) Angela Cleveland said The Conservation Commission voted to support a restructure and revitalize the Technical Review Committee (TRC) at their meeting last week. The committee was put on hold in February based on comments from the committee. Ernie, director of inspectional services who had a good experience with the TRC in another community took a job elsewhere and needs to be replaced. TRC is a great review and implementation process. The mayor is proposing the common members to the City Council tomorrow. The idea is to make the TRC comments more official and would come directly to the Board. They would meet twice monthly to review developer applications. Some have expressed a desire to come before the Board and Conservation Commission to be a resource on their areas of expertise.
- 183) Karen Solstad the TRC has been meeting over the past years. Will there be accountability from this committee? Director Jain has the equivalent of 2 FT jobs and

spends an inordinate amount of time chasing down comments. We need help moving projects forward.

184) Angela Cleveland said the Community Development Coordinator will take minutes and people will be held accountable so that Director Jain doesn't have to spend his time chasing down comments. There will be a TRC Chair to facilitate the meeting and there will be formal memos. This should help Director Jain by streamlining our process. We're hiring for either building inspection services or a Building Commissioner. We have an acting Commissioner.

185) Pascal Rettig said he supports a formal technical review process that meets twice monthly to streamline the process. We'll have to see how it works in practice.

186) Keith Ratner said when he was a planner, they instituted a formal process like this, and it made a big difference. He is in support.

187) Robert Laplante said the Board has learned it's important it is to staff appropriately.

188) Scott Kelley supports and appreciates the accountability aspect to see that it performs as plans.

189) Angela Cleveland said we will circle back with Planning Board and Conservation Commission to see how it's working. The Community Development Coordinator starts on 10/4/21. She will share her resume.

190) Lars Johannessen supports a TRC staffed by people who can provide valuable information on their area of expertise.

191) A motion to endorse restructuring the TRC is made by Robert Laplante and seconded by Scott Kelley.

192) *Chair Pascal Rettig took the vote by roll call.*

193) Karen Solstad YES

194) Keith Ratner YES

195) Lars Johannessen YES

196) Robert Laplante YES

197) Scott Kelley YES

198) David Frick ABSENT

199) Pascal Rettig YES

200) All members present vote in favor. Motion Approved.

201) *Peer Review Proposal Process*

202) Angela Cleveland said back in February we came before you on the peer review process and said our next step was to put out an RFQ for additional firms to be part of the peer review process. Eight firms replied and the applications are being reviewed internally and will be scored 1-10. The Conservation Commission appointed 2 people to go through the finalist applications and conduct interviews. We are looking for 2 Planning Board members to be part of the hiring process. She will remember to ask David Frick as well. The time commitment will be one meeting to clarify the process the week of September 27th, and then we'll do all the finalist interviews in one day sometime afterwards.

203) Lars Johannessen and Robert Laplante volunteered.

204) *Chair Pascal Rettig took the vote by roll call.*

205) Karen Solstad	YES
206) Keith Ratner	YES
207) Lars Johannessen	YES
208) Robert Laplante	YES
209) Scott Kelley	YES
210) David Frick	ABSENT
211) Pascal Rettig	YES

212) All members present vote in favor. Motion Approved.

213) *Communication from Staff – Virtual Meetings (Vote)*

214) Pascal Rettig said the Board agrees to meet remotely for the foreseeable future and be intentional about whether and when to return to in-person meetings.

215) A motion to continue virtual meetings until the Board is no longer allowed to meet virtually by state law or a vote is taken to determine when to resume in-person meetings is made by Lars Johannessen and seconded by Robert Laplante.

216) *Chair Pascal Rettig took the vote by roll call.*

217) Karen Solstad	YES
218) Keith Ratner	YES
219) Lars Johannessen	YES
220) Robert Laplante	YES
221) Scott Kelley	YES
222) David Frick	ABSENT
223) Pascal Rettig	YES

224) All members present vote in favor. Motion Approved.

225) 7. Adjournment

226) A motion to close the September 13, 2021, meeting is made by Lars Johannessen and seconded by Robert Laplante.

227) *Chair Pascal Rettig took the vote by roll call.*

228) Karen Solstad YES

229) Keith Ratner YES

230) Lars Johannessen YES

231) Robert Laplante YES

232) Scott Kelley YES

233) David Frick ABSENT

234) Pascal Rettig YES

235) All members present vote in favor. Motion Approved.

236) The meeting adjourned at 8:58 PM

237) Respectfully submitted -- Linda Guthrie, Recording Secretary